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REGULATION No. I OF 1907.

(PASSED ON THE 6TH DAY OF MARCH 1907.)

A Regulation to establish a Legislative Council in Mysore.

WHEREAS it is expedient to establish a Council for making Laws and Regulations in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

1. (1) This Regulation may be called the Mysore Legislative Council Regulation, 1907.

Short title.

(2) It shall come into force on the expiry of three months from the date of its first publication in the official Gazette.

Commencement.

2. In this Regulation, unless there be something repugnant in the subject or context:—

Interpretation clause.

(1) "Councillor" means a member of the Council of His Highness the Maharaja appointed to assist in the carrying on of the Government of the State.

(2) "Legislative Council" or "Council" means the Council for making Laws and Regulations appointed under section 3.

(3) "Member" means a member of the Legislative Council.

3. For the purpose of making Laws and Regulations, there shall be a Council to be called the Legislative Council, consisting of a President, two *ex officio* members and such number of additional members not less than ten or more than fifteen as may be fixed by the Government of His Highness the Maharaja from time to time.

Constitution of Legislative Council.

4. (1) The Dewan shall, *ex officio*, be the President of the Legislative Council, and the Councillors shall *ex officio* be members thereof.

President and members.

(2) The remaining members shall be nominated by Government from time to time. Provided that not less than two-fifths of the persons so nominated shall be non-official persons, that is, persons who, at the time of such nomination, shall not be in the service of Government, and that the seat in Council of any non-official member accepting such service shall be vacated on such acceptance.

5. The Government of His Highness the Maharaja may, from time to time, frame rules as to the conditions under which all or any of the non-official members of the Legislative Council may be selected for nomination.

Power to make rules for selection of non-official members.

6. Every person nominated as a member of the Council shall continue to be such member for a period of two years, and, during such period, he shall be summoned to all meetings held for the purpose of making Laws and Regulations.

Period of membership and right of members to be summoned to meeting.

7. (1) It shall be lawful for any member of the Council to resign his office at any time, and, on acceptance of such resignation by the Government of His Highness the Maharaja, such office shall become vacant.

Membership when vacated.

(2) When any member of Council is convicted of any offence involving moral turpitude, or is declared insolvent or claims to be discharged from liability to pay his debts on the ground of insolvency, his office shall become vacant.

(3) An official member shall vacate his seat on his dismissal or retirement from public service.

Explanation.—The decision of Government as to whether the offence of which a member may be convicted involves moral turpitude, is final, and shall not be called in question in any Court of Law.

8. If any member shall be unable to attend three consecutive ordinary meetings of the Council, it shall be lawful for Government to declare by notification in the official Gazette that the seat in Council of such member has become vacant.

Member not attending three consecutive ordinary meetings vacates seat.

9. (1) In the absence of the Dewan, the senior Councillor present, or, if there be only one Councillor present, such Councillor, shall preside at the meetings of the Council: and the power of making Laws and Regulations vested in the Council shall be exercised only at the meetings of the said Council at which the Dewan or some one of the Councillors and not less than one-half of the whole number of members of Council shall be present.

Who to preside at meetings in the absence of Dewan.

Quorum.

(2) In every case of difference of opinion at the meetings of the said Council, whenever there shall be an equality of voices, the Dewan, or, in his absence, the Councillor then presiding, shall have two votes or the casting vote.

Casting vote.

10. It shall be lawful for the Dewan, from time to time, to appoint the time and place of meetings of the Council, to adjourn, or, from time to time, to authorise the Councillor presiding, in his absence, to adjourn, any meeting from time to time.

Dewan to appoint time and place of meetings.

11. (1) It shall be lawful for the Legislative Council to make, from time to time, rules for the conduct of business at meetings of the Council, provided that it shall be lawful for Government to disallow all or any of such rules.

Rules for conduct of business at meetings.

(2) The rules contained in the schedule appended hereto shall be and remain in force until they are replaced or amended by rules framed under sub-section (1) of this section.

12. (1) No measure of any description shall be introduced into the Council without the previous sanction in writing of the Dewan, and the leave of the Council obtained in accordance with rules framed under section 11.

Measures not to be introduced without Dewan's sanction.

(2) No business shall be transacted at any meeting of the Council other than the consideration and passing of measures introduced into such Council for the purpose of being considered and passed; and it shall not be lawful for any member to make or for the Council to entertain any motion unless such motion shall be for leave to introduce some measure as aforesaid into Council, or have reference to some measure actually introduced therein.

Nature of business to be transacted at meetings.

Provided that it shall not be lawful for the Council to consider any measure affecting—

(*a*) the Ruling Family of Mysore,

(*b*) the relations of His Highness the Maharaja with the Paramount Power or with Foreign Princes or States,

(*c*) matters governed by treaties, conventions or agreements, now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power,

(*d*) extradition of criminals,

(*e*) European vagrants,

(*f*) European British subjects,

(*g*) the Post Office, Telegraphs and Railways,

(*h*) the Mysore Military Forces, or,

(*i*) such other matters as may from time to time be specially reserved by His Highness the Maharaja for consideration by the Government.

13. When any Law or Regulation has been made by the Council, it shall be submitted to His Highness the Maharaja through the Dewan for assent. No such Law or Regulation shall have validity until it receives the assent of His Highness the Maharaja.

No Law or Regulation valid until it receives the assent of the Maharaja.

14. In the cases mentioned in the proviso to section 12 of this Regulation, the Government may frame any Regulation required, and every such Regulation, if assented to by His Highness the Maharaja, shall have the force of law.

Regulations in matters outside jurisdiction of Council.

15. Notwithstanding anything contained in this Regulation, it shall be lawful for the Government to frame any Regulation, in cases not falling under the proviso to section 12 of this Regulation, in which legislation is emergently required, and every such Regulation, if assented to by His Highness the Maharaja, shall have the same force as a Regulation passed through the Council, for the space of six months from its promulgation in the official Gazette.

Emergent Regulations.

16. No Law or Regulation passed by the Legislative Council under the authority of this Regulation shall be deemed invalid by reason that the proportion of non-official members hereby provided was not complete at the date of its introduction into or its being passed by the Council.

No Regulation to be invalid by reason of incompleteness of number of non-official members.

V. P. MADHAVA RAO,
Dewan of Mysore.

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SCHEDULE.

RULES FOR THE CONDUCT OF BUSINESS OF THE MYSORE LEGISLATIVE COUNCIL.

I. DEFINITIONS.

1. In these Rules—

"Bill" means a proposed enactment in any stage before it has received the assent of His Highness the Maharaja.

In the computation of "Clear days," Sundays and holidays are not included.

II. SUMMONING AND ADJOURNMENT OF COUNCIL.

2. The times and places of meetings shall be fixed by the Dewan, and the Secretary shall notify the same in the Official Gazette and to each member by letter.

3. When the business before a meeting is concluded, the President shall declare the meeting dissolved. The President may adjourn, without any discussion or vote, any meeting or business, to any future day or to any part of the same day. The Council also may, upon motion made and carried, adjourn any meeting or business.

4. A motion that any meeting or business be adjourned or that the Council pass to the business next in order in the statement of business may be moved at any time and without previous notice as a distinct question, but not so as to interrupt a speech. If the motion is carried, the Council shall adjourn the meeting or business, or the further consideration of the business then under discussion shall be dropped, as the case may be.

5. A motion of the kind referred to in the last preceding rule shall take precedence of any other motion then before the Council, and, if such motion is rejected, no similar motion shall be made until after the lapse of what the President shall deem to be a reasonable time, nor by the Member by whom the previous motion was made.

6. If, at the time appointed for holding a meeting or adjourned meeting as aforesaid, or if at any time after the commencement of business at such meeting, the quorum required by section 9 of the Regulation (that is to say, the Dewan or some one of the councillors and one-half of the whole number of members of Council), is not present, the members present shall, without proceeding to business of any kind, adjourn until again summoned by the Dewan, and the fact shall be noted by the Secretary in the journal of the Council.

III. COURSE OF BUSINESS.

7. The Secretary shall send to every member a statement of the business to be transacted at each meeting so as to reach him at least three clear days before the date fixed for such meeting.

8. No business which is not entered in the statement of business prepared under Rule 7 shall be transacted at any meeting, unless the permission of the Dewan has been obtained previously to the meeting.

9. The President shall have power to regulate the order in which business is transacted, but, ordinarily, the succession of business shall be as described in Rule 10.

10. After the President has taken the chair—

(1) the Secretary shall report to the Council the Regulations which have received the assent of His Highness the Maharaja, under section 13 of the Regulation, and the Bills which have been disallowed since the last meeting;

(2) the Secretary shall report to the Council the petitions and other communications relating to the business of the Council which have been received by him since the last meeting, and shall, if required, read such petitions and communications to the Council;

(3) Members desirous of obtaining leave to introduce Bills, and having obtained the written sanction of the Dewan therefor, shall move that such leave be granted;

(4) the Council shall then proceed to dispose of the business left unfinished at the last meeting, if any; and this being done,

(5) the Council shall proceed to deal with the remaining business of the day.

IV. REGULATION OF DISCUSSIONS.

11. The President shall preserve order and shall decide all points of order submitted for his decision by the members and all questions connected with the interpretation of these rule

There shall be no discussion on any point of order and the President's decision shall be final.

12. Any member may draw the attention of the President to a violation of order and, while he is doing so, all other members shall remain silent.

13. In discussing questions coming before the Council for consideration, a member shall speak from his place and shall address the President.

14. Members may read their speeches and may also read, as part thereof, passages from books or papers bearing upon the question under discussion.

15. No member shall speak except upon business which is at the time regularly before the Council or, by special permission of the President, in explanation of what he said in a previous debate.

16. Except in discussing amendments, when the Council is settling the several clauses of a Bill, no member other than the mover shall speak more than once upon a question; but the mover shall, if he has spoken to the question when making his motion, be allowed a reply.

Provided that, if the matter before the Council be an amendment of a Bill, the member in charge of the Bill shall be entitled to speak next after the mover and seconder of the amendment.

17. A member who has spoken upon a motion may speak again upon any amendment of that motion. A member may also speak again in order to explain what he has previously said if it has been misunderstood.

18. When for the purpose of explanation or for any other reason, a member has any occasion to ask of another member a question relative to the business before the Council, he shall ask the question through the President.

19. Every matter which comes before the Council for decision shall be decided in accordance with the majority of votes after (1) motion has been made and seconded and (2) the question has been put by the President.

20. No discussion whatever shall take place after the question has been put by the President.

21. Any member may ask for any papers or information connected with the business before the Council, and the President shall determine whether such papers or information can be furnished.

If the President be not the Dewan, and the papers or information called for belong to any Department of the State other than the Legislative Department, the Dewan may veto the decision of the President.

V. Motions Generally.

22. Members who wish to make any motion at any meeting must give notice of their intention at the next preceding meeting or must send such notice in writing to the Secretary so as to reach him at least six clear days before the day fixed for the meeting, at which they intend to make the motion. Provided that the President may, at his discretion, permit a motion to be made of which such notice has not been given.

23. All motions of which notice is given under the preceding rule shall be entered in the statement of business prepared by the Secretary under Rule 7.

24. No motion shall be taken into consideration by the Council unless it is seconded.

25. A motion of which due notice has been given may, in the absence and at the request of the member by whom notice was given, be made by any other member; but, if not so made, or if a member announces his intention of withdrawing a motion standing in his name, the motion may be made by any other member, and, if not so made, shall not be put unless the Council otherwise orders.

26. If amendments of any motion are moved, the President, when taking the sense of the Council thereon, shall in his discretion put first to the vote either the original motion or any of the proposed amendments thereof.

27. A purely verbal amendment of a motion may be moved at any time during the discussion upon the motion and without previous notice, but no amendment which is substantially the negative of a motion shall be taken into consideration by the Council.

28. A motion shall not be taken into consideration by the Council if it substantially raises a question already disposed of at the meeting or is inconsistent with any resolution already passed thereat.

29. If any motion, as made, involves several points, the President may, at his discretion, divide it, so that each point may be determined separately.

VI. INTRODUCTION OF BILLS.

30. Any member who may have obtained the previous sanction of the Dewan in writing to introduce a Bill into the Council may move at a meeting of the Council for leave to introduce the same in accordance with section 12 of the Regulation; provided that at least six clear days' previous notice of the title and subject of the Bill has been given to the Secretary.

31. If the motion for leave to introduce a Bill be carried, the mover shall send the Bill, together with a full statement of the objects of and reasons for the proposed measure and any connected papers, to the Secretary, who will forthwith cause the Bill, the statement of objects and reasons and the connected papers to be printed and communicated to each of the members, and will also cause the Bill and the statement of objects and reasons to be published in the Official Gazette in English and in Kanarese.

Provided that the publication may be deferred under the orders of the Dewan until the next meeting of the Council, when the publication of such Bill shall be considered.

32. The Dewan may, at his discretion, direct the Secretary to publish any Bill together with a statement of the objects of and reasons for it, in the Official Gazette in English and in Kanarese, although leave to introduce the Bill has not been applied for under Rule 30; and the Secretary shall publish it accordingly and shall send a copy of the Bill and of the statement of the objects and reasons to each of the members. When a Bill has been published under this rule, it shall not be necessary to move under Rule 30 for leave to introduce it.

33. At any time after leave to introduce a Bill has been granted under Rule 31 or after publication has been ordered under Rule 32, the member in charge of the Bill may introduce it after giving six clear days' notice to the Secretary; provided that no Bill shall be introduced until fifteen clear days from the date of its publication.

When introducing a Bill, the member in charge of it shall move that the Bill be read in Council. The principle of the Bill and its general provisions may then be discussed, and, if the motion be carried, the Council shall then consider the question of referring the Bill to a Select Committee, and, if the question be decided in the affirmative, the Council shall appoint the Committee and may further direct that its report shall be submitted within a special period.

34. At any time during the progress of a Bill the member in charge of it may move for permission to withdraw it, and, if such permission is granted, the Bill shall be withdrawn accordingly. The member in charge of a Bill which has been published under Rule 32, but which has not been introduced and read in Council, may withdraw the same without further formality than a mere announcement of the withdrawal to the Council.

VII. SELECT COMMITTEE.

35. Select Committees may be appointed by the Council for any purpose connected with the business of the Council and may sit and submit their reports although the Council is adjourned. The member in charge of a Bill shall always be member of the Select Committee appointed to consider the Bill.

36. When a Bill has been referred to a Select Committee for consideration, it shall be the duty of the Committee to discuss each clause of the Bill and to recommend to the Council such amendments as seem to it to be advisable.

37. If the Council has fixed a period within which the Select Committee shall submit its report upon a Bill and the Committee is unable for any reason to submit its report within that period, the Dewan may, from time to time, extend the period on the application of the member in charge of the Bill.

38. The report of the Select Committee shall be signed by all the members of the Committee or a majority of them; but any member of a Select Committee may record his views in a separate minute.

39. The report of the Select Committee appointed to consider a Bill shall contain particulars of the principal amendments proposed and of the reasons for such amendments, or it may contain a recommendation that the Bill under consideration be abandoned.

40. The report of the Select Committee, any minutes that may have been recorded by individual members of the Committee, and (if the Bill has been amended) the Bill as amended by the Committee, shall be printed and copies furnished to each member of the Council. The report and minutes (if any) and (if the Bill has been amended) the Bill as amended, or such portion thereof as may have been amended, shall also, unless otherwise directed by the Select Committee, be published in the Official Gazette in English and Kanarese.

41. No business shall be transacted at any sitting of the Select Committee unless a majority of the members of the Committee including the member in charge of the Bill is present.

42. The Committee may elect their own Chairman, who shall have power to report to the Dewan the name of any member of the Select Committee who neglects or is unable to attend its sittings, and the Dewan may thereupon appoint, out of the members of the Council, an additional member to the Select Committee.

43. A Select Committee may, for the purpose of obtaining information, invite any person to be present at its sittings.

44. While a Select Committee is sitting to consider a Bill, all communications relating to the Bill which are received by the Secretary shall be referred to it.

VIII. Passing of Bills.

45. When a Bill has been introduced and read in Council under Rule 33 and the Council has decided that it is not necessary to refer it for consideration to a Select Committee, the Council shall not proceed to take the Bill into consideration until the expiration of fifteen clear days from the date on which Bill was read under Rule 33.

In this case it shall not be necessary to make, on the day on which the Bill comes on for consideration, a formal motion that the Bill be taken into consideration.

46. When a Bill has been referred to a Select Committee under Rule 33, it shall not be taken into consideration by the Council unless copies of the report of the Select Committee and (if the Bill has been amended) of the Bill as amended shall have been sent to each of the members of the Council, at least fifteen clear days beforehand, and, in cases in which the Select Committee has not dispensed with the publication referred to in Rule 40, until the expiration of twenty-one clear days from the date of such publication. Subject to these conditions, the member in charge of a Bill, when presenting the report of the Select Committee to the Council, may move either that the Bill and Report be taken into consideration at once or that the consideration of them be postponed to a subsequent meeting.

The discussion upon a motion under this Rule that a Bill be taken into consideration shall not extend to the principle of the Bill.

47. Any member wishing to propose an amendment affecting the substance of a Bill shall send a copy of the proposed amendment to the Secretary in accordance with Rule 22, and the Secretary shall enter the same in the statement of business prepared under Rule 7; but it shall not be necessary to give previous notice of amendments of a purely verbal character or of amendments consequential upon, or moved in respect of, amendments which have been carried.

48. Proposed amendments of Bills shall not be moved until the Bill is actually taken into consideration and, when moved, they shall be considered in the order of the sections to which they relate.

Proposed amendments of Bills shall be governed by Rules 24, 25, 26, 28 and 29 relating to motions.

49. The President may declare that a proposed amendment of a Bill shall not be discussed or put into the vote on the ground that it is irrelevant or incomplete or that an amendment identical in substance with it has been previously disposed of by the Council in considering the same Bill.

50. When the amendments proposed by the Select Committee (if the Bill has been referred to a Select Committee), and such other amendments as may be proposed by any of the members before the Council, have been considered by the Council, the member in charge of the Bill, or in his absence any other member, may move that the Bill as amended be taken up and passed at a subsequent meeting.

At such meeting the Council shall consider the amendments, if any, moved on behalf of Government, and pass the Bill. No amendments other than those connected with the amendments moved on behalf of Government shall, without the special permission of the Dewan, be brought up for consideration at this stage.

IX. Final Stages of Bills.

51. When a Bill has been passed by the Council, the Secretary shall revise and complete the marginal abstracts and the numbering of the sections thereof and shall forward it to the Dewan for submission to His Highness the Maharaja.

52. The Dewan shall communicate His Highness' assent or dissent to the Council by certificate in writing at the foot of the Bill, and the Bill with such certificate shall be lodged in the records of the Council.

53. No member shall make any motion upon, or otherwise bring under the consideration of the Council, the exercise by His Highness of the prerogative of withholding assent to a Bill, or of according sanction to it with any alteration which His Highness may consider necessary.

54. When a Bill has received the assent of His Highness the Maharaja under section 13 of the Regulation, it shall be published in the Official Gazette in English and in Kanarese.

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X. RULES RELATING TO PETITIONS.

55. Petitions to the Council must—

1. relate to some matter actually under the consideration of the Council;
2. be superscribed "to the Legislative Council;"
3. be dated and signed by the Petitioner or Petitioners;
4. be in respectful and temperate language; and
5. conclude with a distinct prayer.

56. If a petition is not in conformity with Rule 55, or if the Secretary sees reason to doubt the authenticity of any signature appended thereto, he shall certify the same on the back of the petition and report the fact to the Council. The Council may thereupon reject the petition, which shall then be returned to the petitioner or petitioners with a statement of the reason for such rejection.

57. If the petition is in conformity with Rule 55, the Secretary shall, if necessary, make an abstract of it and bring the petition under consideration by reading it or the abstract before the Council, which shall deal with the petition in such manner as it may deem proper.

XI. ADMITTANCE OF STRANGERS.

58. Persons desirous of admission into the Council Chamber during the sittings of Council shall make application to the Secretary, who will take the orders of the President thereon.

59. The President may, at any time during the sitting of the Council, direct that all strangers withdraw.

60. If a Bill which peculiarly affects private interests be under the consideration of the Council or of a Select Committee thereof and if any person whose interests are so affected apply to the Council or Select Committee for permission to be heard, either personally or by Council, on the subject of the Bill, the Council or Select Committee may, upon the motion of any member, direct that the petitioner or his counsel be heard at the meeting at which the motion is made or at and on some future specified time and day; and if the petitioner or his counsel is not present at the said meeting or does not appear at and on the said time and day, as the case may be, the permission granted by the Council or Select Committee shall be deemed to have lapsed.

61. Except as provided in Rules 43 and 60, no stranger shall be permitted to address the Council or any Select Committee.

62. Any member may move that the hearing of any person who has been permitted under Rule 60 to address the Council or a Select Committee shall cease, if such person is irrelevant or unduly prolix, or for any other sufficient reason.

XII. DUTIES OF THE SECRETARY.

63. The Secretary shall be bound to perform the following duties in addition to those specified in the preceding Rules—

1. to take charge of the records of the Council;
2. to keep the prescribed books;
3. to attend all meetings and to take minutes of the proceedings;
4. to superintend the printing of all papers ordered to be printed;
5. to note in Bills the amendments orderd by the Council and to scrutinise all Bills and Regulations in view to preventing typographical errors;
6. to prepare and revise the marginal abstracts of Bills and Regulations and the headings and arrangement of the chapters and the numbering of the sections thereof;
7. to carry on correspondence under the orders of the Council;
8. to help, when required to do so, in the framing of Bills;
9. to generally assist the Council.

XIII. BOOKS AND RECORDS.

64. A journal shall be kept containing a brief abstract of the proceedings of the Council. This journal shall be submitted as soon as possible after each meeting to the President for his confirmation and signature.

A copy of such abstract shall also be published in the Official Gazette in English and in Kanarese, as soon as may be, after the conclusion of each meeting.

65. A register and index of all letters and petitions addressed to, or despatched under the orders of, the Council shall be maintained.

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XIV. GENERAL.

66. The Council may, on a motion and at any time, suspend the operation of any of the foregoing rules.

67. Any Bill respecting which no motion has been made in the Council for the space of two years may, by order of the President, be removed from the list of business and the fact of such removal shall be announced by the President to the Council.

68. The Dewan or the member in charge of a Bill may entrust it to any other member, and the member to whom it is so entrusted shall be the member in charge of the Bill for the purposes of these rules.

69. Any member may apply to the Secretary for any papers or information connected with the business before the Council, and the Dewan shall determine whether such papers or information can be furnished.